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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/631,231   | 07/31/2003  | Danielle M. Hafling  | 380-151 III         | 1725             |
| 1009   | 7590        | 04/05/2006           | EXAMINER            |                  |
| KING & SCHICKLI, PLLC<br>247 NORTH BROADWAY<br>LEXINGTON, KY 40507 |             |                      |                     | BAHTA, ABRAHAM   |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             |                      |                     | 1744             |

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                |
|------------------------------|-----------------|----------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)   |
|                              | 10/631,231      | HAFLING ET AL. |
|                              | Examiner        | Art Unit       |
|                              | Abraham Bahta   | 1744           |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 28 December 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 10/28/03.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said side wall and said dirt collection chamber" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said bottom wall and said sidewall" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Wegelin et al (USP 6,375,696).

Wegelin et al teach a vacuum cleaner apparatus comprising a foot/nozzle (102), a housing/canister (104) having a rear wall (13), side walls (132 and (134), bottom wall

(136) which forms a front cavity (140) for receiving a dirt cup or container (150). The apparatus comprises a motor-fan assembly, which creates suction at an inlet opening (118). See col. 3, line 60 through col. 4, line 43.

Claim 2: Wegelin et al teach the dirt cup (150) includes a bottom wall (184), a generally flat rear wall (186), a pair of curved side walls (188, 190) and a front wall (186) and a dirt cup lid (182). See col. 4, lines 53-64.

Claim 3: Wegelin et al teach an inlet opening (270) is formed in the rear wall of the dirt cup for providing fluid communication between the first duct and the first dirt collecting chamber. See col. 7, lines 51-54.

Claim 4: Wegelin et al teach prefilter separates the dirt cup chamber into a first dirt collecting chamber and a second dirt collecting chamber. See col. 5, lines 24-40.

Claim 5: Wegelin et al teach the prefilter is a screen. See col. 5, lines 63-67.

Claim 6: Wegelin et al teach the apparatus includes a filter in a filter receiver. See col. 5, lines 24-35.

Claim 7: Wegelin et al teach the filter is pleated. See col. 8, lines 60-67.

Claim 16: Wegelin et al teach the filter receiver is positioned in the housing (104).

Claim 17: Wegelin et al teach the motor-fan assembly creates a suction at an inlet opening (118) which in turn creates a suction in dirt duct (116), agitator chamber (112) and nozzle opening (106). See col. 4, lines 8-11.

Claim 18: Wegelin et al teach a center of the bottom filter support member aligns with the center of the opening of the top filter support member to vertically support the filter member within the second dirt collecting chamber . See col. 9, line 67 through col. 10, line 8.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Wegelin et al in view of McGill et al (USP 6,615,444).

Wegelin et al discussed above, do not require a hinge connecting one wall of the dirt cup to a side wall; however, McGill et al teach a dirt collection system for a vacuum cleaner comprising a dirt cup having a top lid, bottom wall a generally flat rear wall and a pair of curved side walls wherin the top lid is pivotally connected to the dirt cup. See col. 3, line 29 through col. 4, line 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the dirt cup of Wegelin et al by providing a hinge in order to pivotally connect the bottom wall of the dirt cup to the side wall so that the dirt cup may easily open/close to empty accumulated debris from the dirt cup as taught by McGill et al.

Claim 9: McGill et al teach a thump tab is provided to connect the top lid to the dirt cup. See col. 3, lines 63-67.

Claim 11: Wegelin et al teach the dirt cup receiver is a housing. See col. 4, lines 38-43.

Claim 12: As shown in figure 5 of Wegelin et al, the filter receiver (214) has a series of walls.

Claims 13-15: As shown in figure 15 of Wegelin et al the filer assembly includes notch and guide ribs. See also col. 6, lines 54 through col. 7, line 14.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abraham Bahta whose telephone number is (571) 272-1532. The examiner can normally be reached on Monday - Friday; 11:30 am - 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Bahta  
03/27/06



GLADYS J.P. CORCORAN  
SUPERVISORY PATENT EXAMINER